

TOWN COUNCIL MEETING

April 11, 2006

BOARD OF LICENSE COMMISSIONERS

1. Call to Order 7:05 pm. All Councilor were present.

2. Minutes

Voted to defer accepting the minutes of the March meeting of the Board of License Commissioners, (KM – JO).

3. Application for Laundromat License

a. Manville Cleaning Center

Voted 5-0 to grant a Laundromat license to Manville Cleaning Center, (RM – KM).

TOWN COUNCIL

A. Call to Order 7:07 pm

Presentation of Citations

The Town Administrator presented citations to the Lincoln High

School Girls Varsity Basketball Team in honor of being named State Champions and to Sharon Daugherty in honor of being named New England High Jump Champion.

Presentation Zoning Ordinance Revisions

Town Planner Al Ranaldi handed the Council the proposed zoning amendments. He asked the Council to read them over. There will be a joint meeting of the Council and the Planning Board on may 25, 2006 to discussed these proposed changes.

Consent Agenda

**The Council voted 5-0 to accept the consent agenda as amended.
The consent agenda consists of the following:**

Communications

State Mandated Financial Reports

a. Town

Town of Glocester

Town of Richmond

Town Administrator Sue P. Sheppard

Town of Burrillville

RI League of Cities and Towns

Town of South Kingstown

RI DEM

RI DEM

Public Comment

Ron Loparto: Mr. Loparto asked the Council if they knew hoe to call for a recess.

Richard Pina: Mr. Pina asked the Council if they had reviewed the documents he had presented.

Jim Spooner: Mr. Spooner would like the Council to do a traffic study on Front Street.

Ed Slattery: Mr. Slattery is concerned about the expansion at Lincoln Park. He also feels a study should be done before the Town considers abolishing the Financial Town Meeting.

Ed O'Neil: Mr. O'Neil is also concerned with the expansion at Lincoln Park. He also asked what was happening with the H & H Screw property.

The Council voted 5-0 to dispense with the regular order of business and add a discussion item regarding the executive session meeting, (JO – KM).

Councilor O'Grady explained there had been no conclusions made, as the Town does not know the cost to clean the site. The Council has asked the Town Administrator to pursue grants from DEM to conduct a Phase II Environmental Study.

Ron Stewart: Mr. Stewart stated he is opposed to limiting public comment by Councilors.

John Cullen: Mr. Cullen is in favor of abolishing the Financial Town Meeting, however feel there should be safeguards in place.

Ron Loparto: Mr. Loparto stated he is also a tax payer and should be

able to speak during public comment.

Minutes

- 1. February 28 – Special Meeting**
- 2. March 20 – Claims Committee**
- 3. March 20 – Work Session**
- 4. March 21 – Ordinance Committee**
- 5. March 21 – Regular Meeting**
- 6. March 27 – Special Meeting**

Voted to defer the acceptance of these minutes, (KM – RM)

Appointments

- 1. Conservation Commission – District 5**

Voted 5-0 to defer this appointment, (RM – JO).

- 2. Conservation Commission – District 1**

Voted 5-0 to table this appointment, (JO – RM).

- 3. Conservation Commission – District 4**

Voted 5-0 to re-appoint Ray Maxwell, (RL – JO).

- 4. Library Board – District 4**

Voted 5-0 to re-appoint Karen Quinn, (RL – JO).

- 5. Land Trust – District 4**

Voted 5-0 to defer, (RL – JO).

- 6. Juvenile Hearing Board**

Voted 5-0 to appoint Rene Remillard as a full member to the Board, (KM – RM).

Voted 5-0 to appoint Richard Weibe, on the condition that he pass a

BCI, as an alternate member to the Juvenile Hearing Board, (JO – KM).

Unfinished Business

2. School Facilities update

Change Order

Voted 5-0 to approve change order #4 in the amount of \$278,487.00, (KM – JO).

3. Homestead Exemption Statute

Voted 5-0 to discuss the Homestead Exemption, (JO – KM).

Councilor O’Grady wanted to update the Council on two proposals he is considering. One is a step proposal. Rebates are tie eligibility to zoning. He feels this will take away the “arbitraryyness” of the current exemption.

New Business

1. Resolutions introduction for Referral to Committee

a. Resolution 06-06: Council Rules

Voted 4-1, Councilor Loparto opposed, to dispense with the council rules and consider this resolution immediately, (RM – KM).

Voted 2-2-1 for passage of this resolution, (RM –KM). Councilor O’Grady and Loparto were opposed and Councilor Robinson abstained. Motion failed.

b. Resolution 06-07: Lincoln Housing Authority

Voted 5-0 to dispense with the Council rules and consider this resolution immediately, (RM – JO).

Voted 5-0 for passage, (RM – KM).

Resolution 06-07

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LINCOLN

WHEREAS, The Town of Lincoln (hereinafter referred to as “Town”) acquired at tax sale Lots 61 through 68 inclusive (hereinafter referred to as “Lots”) as are designated on Plat 38 on file in the Office of the Tax Assessor of the Town of Lincoln, located on Old Orchard Street in the village of Manville, and

WHEREAS, Title insurance has been issued for the Lots, and

WHEREAS, The Town is desirous of implementing its Affordable Housing Plan, and

WHEREAS, The Lincoln Housing Authority (hereinafter referred to as “Authority”) administers housing programs for Lincoln residents, and

WHEREAS, The Authority proposes to construct forty eight (48)

dwelling units which would be designated as affordable on the Lots.

NOW THEREFORE BE IT RESOLVED, by the Town Council of the Town of Lincoln, that lots 61 through 68 inclusive on Assessors plat 38 be conveyed to the Authority without consideration, to enable the Authority to construct a minimum of forty eight (48) affordable dwelling units on the Lots in accordance with terms and conditions set forth in an Agreement to be executed between the Authority and the Town.

c. Resolution 06-08: Motor Vehicle

Voted 5-0 to dispense with the Council rules and consider this resolution immediately, (KM – JO).

Voted 5-0 for passage, (KM – RM)

Resolution No. 06-08

**A RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF LINCOLN**

WHEREAS, the Rhode Island General Assembly enacted Public Laws of 1998, Article 28, Chapter 31 (now R.I. General Laws § 44-34.1-1) entitled “ Motor Vehicle Tax Elimination Act of 1998” [hereafter “the

Act”]; and

WHEREAS, the purpose of the Act was to establish the means and methods of phasing out local or municipal excise taxes applied to motor vehicles and trailers; and

WHEREAS, it has been the policy of the State of Rhode Island, acting by and through its Office of Municipal Affairs, State Budget Office, Department of Administration, to administer the provisions of the Act in a manner that established a freeze on local and municipal tax rates on motor vehicles and trailers at the levels that prevailed for tax year 1998 within each city and town with the State of Rhode Island; and

WHEREAS, the policy of the Office of Municipal Affairs as recited herein is identical to the legislative intent in the passing the Act; and

WHEREAS, the Town of Lincoln, in keeping with the Office of Municipal Affairs policy as aforesaid and promulgated to the various cities and towns of the state in respect to the provisions of the Act, has maintained its tax rate for motor vehicles and trailers at the 1998 levels, namely, \$30.66 per thousand dollars of assessed value for each years since the enactment of the Act and continuing to the day and date of this Resolution; and

WHEREAS, recent events have demonstrated the need for legislative clarification of the language, purpose, and intent of the Act; and

WHEREAS, the Town of Lincoln, among several other cities and towns within the State of Rhode Island, currently face the potential of significant financial exposure and losses as a result of the interpretation and application of the Act.

NOW THEREFORE, the Lincoln Town Council hereby Resolves that the Rhode Island General assembly be, and hereby is, requested, in its January 2006 session, to amend R.I. General Laws § 44-34.1-1 in order to clarify the purposes, means and methods of local and municipal compliance with the Act, said amendment to be in a form substantially consistent with the provisions of the proposed amendment annexed hereto as “Exhibit A”; and

The Lincoln Town Council FURTHER RESOLVES, that the Town Clerk is hereby directed to take any action necessary, required, or advisable to transmit this Resolution, together with “Exhibit A” to the General Assembly for consideration in its current legislative session.

This Resolution shall take effect upon passage.

“EXHIBIT A”

SECTION 1. Section 44-34.1-1 of the General Laws in Chapter 44-34.1 entitled "Motor Vehicle and Trailer Excise Tax Elimination Act of

1998" is hereby amended to read as follows:

– (a) Notwithstanding the provisions of chapter 34 of this title or any other provisions to the contrary, the motor vehicle and trailer excise tax established by § 44-34-1 may be phased out. The phase-out shall apply to all motor vehicles and trailers, including leased vehicles.

(2) Lessors of vehicles that pay excise taxes directly to municipalities shall provide lessees, at the time of entering into the lease agreement, an estimate of annual excise taxes payable throughout the term of the lease. In the event the actual excise tax is less than the estimated excise tax, the lessor shall annually rebate to the lessee the difference between the actual excise tax and the estimated excise tax.

(b) Pursuant to the provisions of this section, all motor vehicles shall be assessed a value by the vehicle value commission. That value shall be assessed according to the provisions of § 44-34-11(c)(1) and in accordance with the terms as defined in subsection (d) of this section; provided, however, that the maximum taxable value percentage applicable to model year values as of December 31, 1997, shall continue to be applicable in future year valuations aged by one year in each succeeding year.

(c) The motor vehicle excise tax phase-out shall commence with the excise tax bills mailed to taxpayers for the fiscal year 2000. The phase-out, beyond fiscal year 2003, shall be subject to annual review and appropriation by the general assembly. The tax assessors of the various cities and towns and fire districts shall reduce the average

retail value of each vehicle assessed by using the prorated exemptions from the following table:

Local Fiscal Year	State fiscal year
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Exempt from value	Local Exemption	Reimbursement
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fiscal year 1999	0	\$1,500
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fiscal year 2000	\$1,500	\$2,500
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fiscal year 2001	\$2,500	\$3,500
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fiscal year 2002	\$3,500	\$4,500
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fiscal years 2003, 2004		
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and 2005	\$4,500	\$4,500
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for fiscal year 2006 and		
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each year thereafter	\$5,000	\$5,000
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No city or town shall, in preparation of its annual budget, plan or otherwise rely on the continuation of said phase-out beyond fiscal year 2003, unless it is specifically approved by the general assembly.

(2) The excise tax phase-out shall provide levels of assessed value reductions until the tax is eliminated or reduced as provided in this chapter.

(3) Current exemptions shall remain in effect as provided in this chapter.

(4) Notwithstanding The the provisions of § 44-5-11.8 (a) (2), the excise tax rates and ratios of assessment shall not be greater than be maintained at a level identical to the level in effect for fiscal year 1998 levels for each city, town, and fire district; provided, in the town of Johnston the excise tax rate and ratios of assessment shall not be greater than fiscal year 1999 levels and in no event shall the final

taxable value of a vehicle be higher than assessed in the prior fiscal year, and the levy of a city, town, or fire district shall be limited to the lesser of the maximum taxable value or net assessed value for purposes of collecting the tax in any given year.

(5) The ratios of assessment shall not be greater than fiscal year 1998 level for each city, town, and fire district; provided, in the town of Johnston the ratios of assessment shall not be greater than fiscal year 1999 level and in no event shall the final taxable value of a vehicle be higher than assessed in the prior fiscal year, and the levy of a city, town, or fire district shall be limited to the lesser of the maximum taxable value or net assessed value for purposes of collecting the tax in any given year.

(d) Definitions.

(1) "Maximum taxable value" means the value of vehicles as prescribed by § 44-34-11 reduced by the percentage of assessed value applicable to model year values as determined by the Rhode Island vehicle value commission as of December 31, 1997, for the vehicles valued by the commission as of December 31, 1997. For all vehicle value types not valued by the Rhode Island vehicle value commission as of December 31, 1997, the maximum taxable value shall be the latest value determined by a local assessor from an appropriate pricing guide, multiplied by the ratio of assessment used by that city, town, or fire district for a particular model year as of December 31, 1997.

(2) "Net assessed value" means the motor vehicle values as determined in accordance with § 44-34-11 less all personal

exemptions allowed by cities, towns, fire districts, and the state of Rhode Island exemption value as provided for in § 44-34.1-1(c)(1).

(e) If any provision of this chapter shall be held invalid by any court of competent jurisdiction, the remainder of this chapter and the application of the provisions hereof shall not be effected thereby.

SECTION 2. This act shall take effect upon passage and shall apply retroactively to June 29, 2000.

d. Resolution 06-09: Warrant Resolution

Voted to dispense with the Council rules and consider this resolution immediately, (KM – JO).

Voted 4-1 for passage, Councilor McKenna was opposed, (KM – LR).

e. Resolution 06-10: RI Housing Mortgage Corp.

Voted 5-0 to defer this resolution, (KM – JO).

f. Resolution 06-11: Charter Amendment RE: Financial Town Meeting

Voted to dispense with the Council rules and consider this resolution immediately, (RM -KM).

Voted 3-2 for passage, (RM – KM). Councilors Loparto and O’Grady were opposed.

g. Resolution 06-12: Order of Business FTM

Voted to dispense with the Council rules and consider this resolution

immediately, (KM – JO).

Voted 4-1 , Councilor McKenna opposed, for passage, (KM – JO).

h. Resolution 06-13: Traffic Control Study Route 123

Voted to dispense with the Council rules and consider this resolution immediately, (KM – JO).

Voted 5-0 for passage, (KM – JO).

2. Ordinance introduction for Referral to Committee

a. Ordinance 06-02: Compensation Ordinance

Voted 5-0 to refer this ordinance to the Ordinance Committee, (KM – JO).

3. Expenditures for Fiscal Year 2005/2006 Report

Voted to defer this discussion until April 25, 2006, (JO – KM)

4. Financial Town Meeting - Budget

Motion to discuss failed 2-3, with Councilors Robinson, McKenna and Macksoud opposed, (RL – JO).

Communications

1. State Mandated Financial Reports

a. School

b. Water Department

Voted to defer these reports to April 25, 2006, (JO – RM).

2. Finance Director, Stephen Woerner

Voted to accept this communication, (JO –KM).

Bids

1. Annual Audit for Fiscal Years 2006, 2007, 2008

Voted to defer this bid to April 25, 2006.

The following bids are for various school projects:

1. Concrete

Voted to award this bid to Central Nurseries, Inc in the amount of \$218,500.00 as recommended by the Finance Director, (KM – JO).

2. Roofing

Voted 5-0 to award this bid to Patrick J. McKenna Roofing, Inc. in the amount of \$54,900.00 as recommended by the Finance Director, 9KM – JO).

3. General Trades

Voted 5-0 to award this bid to Essex-Newbury Contracting Services, Inc. in the amount of \$677,040.00 as recommended by the Finance Director, (KM- RM).

4. Ceramic Tile Flooring

Voted to award this bid to Ruggieri, Bros, Inc. in the amount of \$151,089.00 as recommended by the Finance Director, (KM – RM).

5. Painting

Voted to award this bid to Century Painting, in the amount of \$99,000.00 as recommended by the Finance Director, (KM – RM).

6. Asbestos Abatement

Voted to award this bid to AA Abatement in the amount of \$136,840.00 as recommended by the Finance Director, (KM – JO).

7. Demolition

Voted 5-0 to award this bid to Essex-Newbury Contracting Services, Inc. in the amount of \$241,242.00 as recommended by the Finance Director, (KM – RM).

8. HVAC / Plumbing

Voted 5-0 to award this bid to Aero Mechanical in the amount of \$196,205.00 as recommended by the Finance Director, (KM – RM).

9. Electrical

Voted 5-0 to award this bid to Aladdin Electric in the amount of \$240,990.00 as recommended by the Finance Director, (KM – JO).

Councilor Comment

Councilor Macksoud stated he will not be able to attend the meeting on April 25, 2006.

Councilor McKenna wished everyone a Happy Easter.

Councilor Loparto wanted the Council to go over the rules for calling a recess.

Adjourn

9:20 p.m

Karen D. Allen

Town Clerk